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PTO-1390 (Rev. 12-2004)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 1-16693
INTERNATIONAL APPLICATION NO. PCT/EP03/01538	INTERNATIONAL FILING DATE 15 February 2003(15.02.03)	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/505,242
		PRIORITY DATE CLAIMED 22 February 2002 (22.02.02)
TITLE OF INVENTION METHOD FOR THE PRODUCTION OF NITRIC ACID		
APPLICANT(S) FOR DO/EO/US FRANK DZIOBEK et al		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31) 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau) b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Response to Missing Requirements concerning filing under 35 USC 371		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/505,242		INTERNATIONAL APPLICATION NO PCT/EP03/01538		ATTORNEY'S DOCKET NUMBER 1-16693	
21. The following fees are submitted:					
<input type="checkbox"/> a) Basic national fee.....				\$300.00	\$
<input type="checkbox"/> b) Examination fee.....				\$200.00	\$
<input type="checkbox"/> c) Search fee.....				\$500.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$1000.00	\$
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$380.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$ 130.00
TOTAL NATIONAL FEE =				\$	130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 40.00
TOTAL FEES ENCLOSED =				\$	170.00
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 170.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-1816</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Customer Number 001678 MARSHALL & MELHORN, LLC MARK A. HIXON Four SeaGate - 8th Floor Toledo, Ohio 43604 Phone: 419-249-7114; Fax: 419-249-7151</p>					
				SIGNATURE	
				MARK A. HIXON	
				NAME	
				44,766	
				REGISTRATION NUMBER	

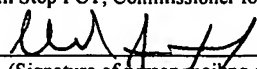
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(Signature of person mailing correspondence)

Mark A. Hixon

(Typed name of person mailing correspondence)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FRANK DZIOBEK, DETLEV CLAES,
JOACHIM JOHANNING, RAINER MAURER
and ERICH SZONN

Group Art Unit:

U.S. Application No. 10/505,242

Filing Under 35 U.S.C. 371 in the DO/EO/US
off PCT/EP03/01538 filed 15 February 2003

Examiner:

For: METHOD FOR THE PRODUCTION
OF NITRIC ACID

Attorney Docket 1-16693

December 30, 2004

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO MISSING REQUIREMENTS UNDER 35 USC 371


Honorable Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated December 28, 2004 (copy attached), enclosed is the fully executed Combined Declaration and Power of Attorney document. Also enclosed is an Assignment document from Frank Dziobek, Detlev Claes, Joachim Johanning, Rainer Maurer and Erich Szonn to Uhde GmbH for recordation.

A check in the amount of \$170.00 is enclosed to cover the requisite fees:
\$130.00 surcharge for late filing of the Declaration and \$40 for recordation of the
Assignment.

Please charge any additional fees due or credit any overpayment to Deposit
Account No. 13-1816.

Respectfully submitted,



Mark A. Hixon
Registration No. 44,766

ATTORNEYS
MARSHALL & MELHORN, LLC
Four SeaGate - 8th Floor
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Phone: (419) 294-7114
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/505,242	FIRST NAMED APPLICANT Frank Dziobek et al	ATTY. DOCKET NO. 1-16693
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INTERNATIONAL APPLICATION NO. PCT/EP03/01538

IA. FILING DATE 02/15/2003	PRIORITY DATE 02/22/2002
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Marshall & Melhorn LLC
Mark A Hixon
Four SeaGate
8th Floor
Toledo, OH 43604

CONFIRMATION NO. 7584

371 FORMALITIES LETTER



OC000000014835127

Date Mailed: 12/28/2004

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/20/2004
- English Translation of the IA filed on 08/20/2004
- Copy of the International Search Report filed on 08/20/2004
- Copy of IPE Report filed on 08/20/2004
- Preliminary Amendments filed on 08/20/2004
- Oath or Declaration filed on 08/20/2004
- Request for Immediate Examination filed on 08/20/2004
- U.S. Basic National Fees filed on 08/20/2004
- Priority Documents filed on 08/20/2004

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DEC 30 2004

MARSHALL & MELHORN, LLC

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

Rec'd PCT/PTO 30 DEC 2004

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 305-3693

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/505,242	PCT/EP03/01538	1-16693

CERTIFICATE UNDER 37 CFR 1.10 OF MAILING BY "EXPRESS MAIL"

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Date of Deposit December 30, 2004

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Signature of person mailing correspondence

Mark A. Hixon

Typed name of person mailing correspondence

RESPONSE TO MISSING REQUIREMENTS UNDER 35 USC 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. Application Number 10/505,242

International Appln. No. PCT/EP03/01538 filed 15 February 2003

Earliest Priority Date Claimed: 22 February 2002

Title: Method for the Production of Nitric Acid

Inventors: Frank Dziobek et al

Assignee: Uhde GmbH

Attorneys: Marshall & Melhorn, LLC

Attorney Docket No: 1-16693